



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 26 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

7009 1680 0000 7663 0658

Graeme Armstrong
President and General Manager
Akzo Nobel Inc.
525 West Van Buren
Chicago, IL 60607

Re: Request for Information Pursuant to Section 104(e) of CERCLA
U.S. Smelter and Lead Refinery, Inc. Superfund Site
Site Spill Identification Number: 053J

To Whom It May Concern:

This letter seeks the cooperation of Akzo Nobel, Inc. ("Akzo Nobel" or "Respondent" or "you") in providing information and documents relating to contamination at the U.S. Smelter and Lead Refinery, Inc. Superfund Site ("USS Lead Site" or "Site") in East Chicago, Indiana.

EPA is responding to the release or threat of release of hazardous substances, pollutants or contaminants at the Site and is seeking additional information concerning the activities, materials and parties that may have contributed to contamination at the Site. Information available to EPA indicates that Euston Lead Company, to which EPA believes Akzo Nobel is a successor, arranged for the treatment or disposal of lead-bearing materials, including lead dross, at the USS Lead Site. EPA is seeking additional information from you related to those arrangements for treatment or disposal.

Further, EPA is interested in Akzo Nobel's ability to finance response actions in connection with the lead contamination of soils within the residential area of the Site. The residential area of the Site consists primarily of single family homes and a public housing complex, construction of which occurred over the last century and paralleled the rise of industrial enterprise in the surrounding area.

EPA has determined that lead and arsenic generated by neighboring industrial sources contaminated residential soils, and possibly groundwater, within the Site. That contamination may pose a risk to human health and the environment. EPA is now in the process of addressing that contamination. This information request is part of that process.

We encourage you to give this matter your immediate attention and request that you provide a complete, accurate and truthful response to the enclosed questions (Enclosure C) within thirty (30) calendar days of your receipt of this letter. Instructions and Definitions (Enclosures A and B, respectively) as well as a Declaration (Enclosure D) also have been enclosed to assist you with completing your response.

Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), gives the EPA information gathering authority that allows the EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature and quantity of materials which have been or are generated, treated, stored or disposed of at facility or transported to facility;
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a facility; and
- (c) Information relating to the ability of a person to pay for or to perform a cleanup.

While the EPA seeks your cooperation in this investigation, compliance with this request for information is required by law. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law.

Some of the information the EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish the EPA to treat the information confidentially, you must advise the EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

If you have information about other parties who may have information that may assist the agency in its investigation of the Sites or may be responsible for the contamination at the Sites, that information should be submitted within the time frame noted above.

This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 et seq.

Your response to this request for information should be mailed to:

Leonardo Chingcuanco (C-14J)
U.S. Environmental Protection Agency, Region 5
Office of Regional Counsel
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you have additional questions about the history of the Site, the nature of the environmental conditions at the Sites or the status of cleanup activities, please visit EPA's website <https://www.epa.gov/uss-lead-superfund-site>. You also may contact me at (312) 886-7236, or chingcuanco.leonardo@epa.gov.

We appreciate and look forward to your prompt response to this Information Request.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'L' followed by a cursive 'C' and a horizontal stroke.

Leo Chingcuanco, Assistant Regional Counsel
Office of Regional Counsel

Enclosures

- A Instructions
- B Definitions
- C Requests
- D Declaration

Enclosure A
Information Request
USS Lead Site

INSTRUCTIONS

1. Answer Each Question Completely. You must provide a separate answer to each question and subpart set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.
2. Response Format and Copies. Provide the responses to this Information Request and copies of all requested documents either electronically or on paper (hard copy). Your submission, whether electronic or hard copy, must include an index that lists all the responsive documents provided, and that indicates where each document is referenced in the written response, and to which question or questions each document is responsive.

Any documents you determine to be Confidential Business Information (“CBI”) must be segregated out and submitted in a separate folder or on a separate compact disc (“CD”). These documents must be clearly marked as “Confidential Business Information.”

If providing your response electronically, it must be submitted on a CD in Portable Document Format (“PDF”) and comply with the following requirements:

- (a) CBI and personal privacy information (“PII”) should be provided on separate media (e.g., a separate CD) and marked as such to ensure information is appropriately handled.
 - (b) All documents originally smaller than 11 by 17 inches can be submitted electronically; any documents originally larger than 11 by 17 inches must be submitted in hard copy.
 - (c) Electronic PDF files must be text-searchable.
 - (d) The document index must clearly identify any single electronic document which has been separated into multiple electronic files (because of size limitation or otherwise) and each component file that comprises the full document.
3. Number Each Answer. Number each answer with the number of the question to which it corresponds.
 4. Provide the Best Information Available. You must provide responses to the best of your ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered noncompliance with this Information Request.

5. Identify Information Sources. For each question, identify all persons and documents you relied on for your answer.
6. Confidential Information. You must provide the information requested even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as “trade secret,” “proprietary” or “company confidential”. Your confidentiality claim should be supported by the submission of information consistent with 40 C.F.R. Part 2. Information covered by a confidentiality claim will be disclosed by the EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. If no such claim accompanies the information received by the EPA, it may be made available to the public by the EPA without further notice to you.
- You should also provide a redacted version of the same document that removes all CBI and PII from the document. This redacted version of the document should remove all information that you claim is CBI or PII. Since all the CBI and PII is removed, this redacted version is not subject to the procedures of 40 C.F.R. Part 2. The EPA may make this redacted version available to the public without further notice to you.
7. Disclosure to the EPA Contractor. Information that you submit in response to this Information Request may be disclosed by the EPA to authorized representatives of the United States, pursuant to 40 C.F.R. § 2.310(h), even if you assert that all or part of it is confidential business information. The EPA may provide this information to its contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information that you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within twenty (20) business days of receiving this Information Request.
8. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheet(s), and marked as “Personal Privacy Information.” You should note, however, that unless prohibited by law, the EPA may disclose this information to the general public without further notice to you.
9. Objections. While you may object to certain questions in this Information Request, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties set out in the cover letter.
10. Privilege. If you claim that any document responsive to this Information Request is a communication for which you assert that a privilege exists for the entire document, identify (see Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you

are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any

privilege, any facts contained in the document that are responsive to the Information Request must be disclosed in your response.

11. Declaration. You must complete the enclosed declaration, in hard copy with an original signature, certifying the accuracy of all statements in your response.

Enclosure B
Information Request
USS Lead Site

DEFINITIONS

1. The terms “agreement” and “arrangement” means every separate contract, transaction, or invoice, between two or more persons, whether written or oral.
2. The terms “and” and “or” shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this request any information which might otherwise be construed to be outside its scope.
3. “Disposal” shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any material and/or hazardous substance into or on any land or water so that such material and/or hazardous substance or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
4. The terms “document” and “documents” mean any method of recording, storing or transmitting information. “Document” includes, but is not limited to:
 - (a) writings of any kind, including, but not limited to, any of the following:
 - i. letters, memoranda, fax transmittals;
 - ii. meeting minutes, telephone records, notebooks;
 - iii. agreements and contracts;
 - iv. reports to shareholders, management, or government agencies;
 - v. transportation manifests;
 - vi. copies of any document;
 - (b) any film, photograph, or sound recording on any type of device;
 - (c) any blueprints or drawings; and
 - (d) attachments to, or enclosures with, any document.
5. “Environment” shall have the same definition as that contained in Section 101(8) of CERCLA, and includes (A) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C.A §§ 1801 et seq., and (B) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.
6. The term “facility” shall have the same definition as that contained in Section 101(9) of CERCLA, and includes (a) any building, structure, installation, equipment, pipe or pipeline

(including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (b) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

7. "Hazardous Substance" or "Hazardous Substances" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
8. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; and (c) present or last known employer (include full name and address) with job title, position or business.
9. The term "identify" means, with respect to a corporation, partnership, business trust or other entity, to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g., corporation, partnership); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.
10. The term "identify" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressee, and/or recipient; and (e) a summary of the substance or the subject matter. Alternatively, Respondent may provide a complete copy of the document.
11. "Material" or "Materials" shall mean any and all objects, goods, products, by-products, substances, or matter of any kind, including but not limited to wastes.
12. The term "person" shall have the same definition as that contained in Section 101(21) of CERCLA, and includes an individual, firm corporation, association, partnership, consortium, joint venture, U.S. government, State, municipality, commission, political subdivision of a State or any interstate body.
13. The term "property" means any interest in real or personal property whatsoever, including fee interests, leases, licenses, rental and mineral rights.
14. "RCRA" shall mean the Solid Waste Disposal Act, 42 U.S.C. §§ 6901-6992 (also known as the Resource Conservation and Recovery Act).
15. "Release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.

16. The term “Respondent” or “you” means United States Metals Refining Company and its predecessors in interest, together with their agents, employees, and contractors.
17. “Site” or “USS Lead Site” shall mean the U.S. Smelter and Lead Refinery, Inc. Superfund Site located at East Chicago, Indiana.
18. “Treatment” and “Treat” shall mean any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any material and/or hazardous substance so as to neutralize such material and/or hazardous substance or so as to render such material and/or hazardous substance nonhazardous, safer for transport, amenable for recovery, amendable for storage, or reduced in volume. Such terms include any activity or processing designed to change the physical form or chemical composition of a material and/or hazardous substance so as to render it nonhazardous.
19. “Waste” or “Wastes” shall mean and include trash, garbage, refuse, by-products (including but not limited to dross, dust, scrap, skim, slag, sludge, sump, and sweepings), solid waste, hazardous waste, hazardous substances, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

Enclosure C
Information Request
USS Lead Site

REQUESTS

1. Identify the respondent(s) to these questions.
2. Identify all persons consulted in the preparation of the answers to this request for information.
3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons.
4. For each and every question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the question and provide true and accurate copies of all such documents.
5. Describe the lead-bearing material that Respondent arranged to have treated, disposed of, or transported to the Site.
6. Provide the correct name and addresses of Respondent's plants and other facilities where Respondent carried out operations that acquired, generated, or came to possess lead-bearing material that came to be located at the Site.
 - a. For each of those plants or facilities, provide a brief description of the nature of Respondent's operations at that plant or facility, including the date such operations commenced and concluded; and
 - b. Provide a brief description of the types of work performed at each plant or facility, including but not limited to the industrial, chemical, or institutional processes and treatments undertaken at each plant or facility.
7. Describe any arrangement whereby Respondent came to own or possess lead-bearing material that came to be located at the Site, without that material being processed or routed through any of Respondent's plants or facilities.
8. What was the monthly or annual quantity of lead-bearing material that Respondent arranged to have treated, disposed of, or transported to the Site?
9. What was the total quantity of lead-bearing material that Respondent arranged to have treated, disposed of, or transported to the Site?
10. Was lead-bearing material treated at Respondent's plants or facilities before transport to the Site?
 - a. What treatment process(es) took place?
 - b. What was the result?
11. Was lead-bearing material separated (e.g., physically or chemically) from other materials at Respondent's plants or facilities, before transport to the Site?

12. Describe how each type of lead-bearing material was collected and stored at Respondent's Facility prior to disposal/treatment/recycling/sale/transport at or to the Site.
13. Identify any third parties other than USS Lead that Respondent sent or arranged to send lead-bearing material to for treatment, and the dates the lead-bearing material was sent for treatment, where they were sent for treatment, what treatment processes took place, the result of the treatment process, and the disposition of the lead-bearing material.
14. Apart from contracting for treatment or disposal of lead-bearing material through another entity or party, did Respondent ever dispose of lead-bearing material itself?
 - a. If so, describe in detail the circumstances of Respondent's disposal, including what was disposed, when the disposal(s) took place, where the substances were disposed, and the quantity, amount, or volume disposed. Include any documentation relating to such disposal.
15. With respect to lead-bearing material of the type treated at, disposed of at, or transported to the Site, explain what Respondent did with these materials if Respondent could not find a buyer to purchase such material, including all methods of use, handling, treatment, sale, recycling, and disposal, and how much Respondent paid or received for each such method.
16. For each type of lead-bearing waste, describe Respondent's agreements or other arrangements for its disposal, treatment, storage, recycling, or sale.
 - a. Provide any agreement and document, including waste logs, journals, or notes, related to any transfer of lead-bearing waste from Respondent's facilities or plants that came to be located at the Site.
 - b. Provide all correspondence and written communications, including but not limited to emails, between Respondent and U.S. Metals Refining Company, U.S. Smelter and Lead Refinery, Inc., U.S. Smelter, Refining and Metals Company, regarding the Respondent's lead-bearing waste that came to be located at the Site.
17. Did Respondent sell or transfer the lead-bearing waste to other locations besides the Site?
 - a. If so, provide any agreements and documents, including waste logs, journals, or notes, related to the transfer of the lead-bearing waste from Respondent's plants or facilities to locations other than the Site.
18. Did Respondent ever request from the buyer that lead or lead-bearing material be returned to Respondent after buyer's treatment or handling of the lead-bearing waste was completed?
 - a. If so, explain the details of such transaction(s). Provide any documentation relating to any return to Respondent of lead or lead-bearing wastes.
19. Identify, describe, and provide all documents that refer or relate to:
 - a. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all lead-bearing waste involved in each arrangement transferring materials from any facility owned or operated by Respondent to any other facility.
 - b. The condition of the transferred material containing hazardous substances when it was stored, disposed of, treated or transported for disposal or treatment.

- c. The markings on and type, condition and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment.
 - d. All tests, analyses, analytical results and manifests concerning each lead-bearing waste involved in each transaction. Include information regarding who conducted the test and how the test was conducted (batch sampling, representative sampling, splits, composite, etc.)
20. Provide any correspondence or other communications between Respondent and the buyer regarding what the buyer planned to do with the lead-bearing waste.

Enclosure D
Information Request
USS Lead Site

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of the Respondent and that the foregoing is complete, true, and correct.

Executed on _____, 2017.

Signature

Type or Print Name

Title